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UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA
325 West "F" Street, San Diego, California 92101-6991

In Re

YACoub ISSA ZARAFILI and
SAMIRA YACoub ZARAFILI,

Debtor.

BANKRUPTCY NO. 09-12074-LT13

\$341(a) Mtg. Date: October 2, 2009

\$341(a) Mtg. Time: 8:00 AM

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN

TO THE DEBTOR, THE DEBTOR'S ATTORNEY AND THE CHAPTER 13 TRUSTEE:

- ☐ Thomas H. Billingslea, Jr., Chapter 13 Trustee ☒ David L. Skelton, Chapter 13 Trustee,
☒ Onewest Bank, FSB

(Insert Name and Complete Mailing Address of Objecting Party)

406 Sierra Madre Villa Avenue, Suite 101, Mail Stop 01-04, Pasadena, CA 91107

a creditor in this case,

hereby objects to the Confirmation of the Chapter 13 Plan. The basis for the objection is stated below.

(NOTE TO OBJECTING PARTY: YOUR STATEMENT OF OBJECTION MUST BE AS SPECIFIC AS POSSIBLE. CHECK ONLY THOSE SECTIONS WHICH ARE APPLICABLE TO YOUR OBJECTION AND PROVIDE AN EXPLANATION OF YOUR OBJECTION WHERE REQUESTED):

1. ☐ The Plan discriminates unfairly against the class(es) of unsecured claims because
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[§1322(b)(1)]
2. ☐ The Plan modifies the rights of a creditor whose claim is secured only by a security interest in real property that is the debtor's principal residence by providing that
.
[§1322(b)(2)]
3. ☒ The Plan fails to provide for the curing of a default and maintenance payments on a secured or unsecured claim on which final payment is due after the proposed final payment under the Plan. [§1322(b)(5)]
4. ☐ The Chapter 13 Plan is not proposed in good faith because
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[§1325(a)(3)]

**THIS OBJECTION TO CHAPTER 13 PLAN MUST BE ACCOMPANIED BY A NOTICE OF HEARING
PURSUANT TO LOCAL BANKRUPTCY RULE 3015-5**

5. ☐ The debtor is distributing less to the allowed unsecured creditors than they would receive under a Chapter 7 liquidation. [§1325(a)(4)]
6. ☐ Objecting creditor has an allowed secured claim and objects because
- ☐ I have not accepted the Plan. [§1325(a)(5)(A)], OR
- ☐ the Plan fails to provide for a retention of lien securing my claim and the value of the property to be distributed to me is less than the allowed amount of my claim. [§1325(a)(5)(B)]
- Amount of Claim \$ _____
- Value of Property \$ _____, OR
- ☐ the debtor has failed to surrender to me the property securing my claim. [§1325(a)(5)(C)]
7. ☐ The debtor has no ability to make the payments proposed by the Plan because _____ . [§1325(a)(6)]
8. ☐ The debtor has failed to apply all projected disposable income to Plan payments for a period of not less than three years. [§1325(b)(1)(B)]
9. ☐ The debtor has failed to begin making payments prescribed in the Plan within thirty (30) days of the filing of the Plan. [§1326(a)(1)]
10. ☐ Other [cite applicable Code section or case authority]:

I have unsuccessfully attempted to resolve our objections at the §341 Meeting.

I hereby certify under penalty of perjury that I have this date mailed a true copy of this Objection to Plan to the attorney for the debtor (or the debtor) and to the assigned Chapter 13 trustee as indicated below at the following addresses:

Attorney for Debtor (or Debtor):

YACoub ISSA ZARAFILI
SAMIRA YACoub ZARAFILI
5666 Barclay Avenue
San Diego, CA 92120

Chapter 13 Trustee (select one):

☐ For ODD numbered Chpt. 13 cases:
THOMAS H. BILLINGSLEA, JR., TRUSTEE
530 "B" Street, Suite 1500
San Diego, CA 92101

☒ For EVEN numbered Chpt. 13 cases:
DAVID L. SKELTON, TRUSTEE
525 "B" Street, Suite 1430
San Diego, CA 92101-4507

DATED: October 5, 2009

_____/s/ William G. Malcolm
(Signature of (Attorney for) Moving Party)

William G. Malcolm
(Please Type or Print Name)

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(Address)

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(City, State, ZIP)

(949) 252-9400
(Daytime Phone Number)